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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/658,727

09/09/2003

Jeyhan Karaoguz

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EXAMINER

PARK, JUNG H

ART UNIT

PAPER NUMBER

2419

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/658,727	<b>Applicant(s)</b> KARAOGUZ ET AL.	
	<b>Examiner</b> JUNG PARK	<b>Art Unit</b> 2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |



## **DETAILED ACTION**

### ***Response to Pre-Brief Appeal***

1. This communication is considered fully responsive to the Pre-Brief Appeal conference request filed on 01/30/09.

- a. In view of the pre-appeal brief request, a conference has been held and prosecution is hereby reopened.

- b. New ground of rejection has been applied as non Final rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-7, 10-17, and 20-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al. (US 2004/0039817, "Lee").

**Regarding claim 1**, Lee discloses a method for providing communication in a multi-band multi-protocol hybrid wired/wireless network, the method comprising:

- determining a protocol (selecting one of 802.11 family protocols, see 110-114 fig.1 and ¶.29) associated with a communication signal for an access point (AP) (signal associated with AP, see ¶.29);
- allocating a processor within the access point (inherently allocating/assigning a processor within the selected AP for communication, see 138 fig.1 and ¶.59); and

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- processing the communication signal by the allocated processor (process the communication signal by the allocated processor within the selected AP, see 138 fig.1 and ¶.59).

Regarding claim 2, Lee discloses, “further comprising selecting the allocated processor from a pool of available processors for the processing of the communication signal (110-114 fig.1).”

Regarding claim 3, Lee discloses, “wherein the allocating further comprises updating the processor to be capable of the processing of the communication signal (122 fig.1).”

Regarding claim 4, Lee discloses, “wherein the updating further comprises downloading protocol code compatible with the determined protocol to the processor (inherent to access one of 802.11 protocols, see ¶.29).”

Regarding claim 5, Lee discloses, “further comprising storing the compatible protocol code in a memory (inherent to save the protocol code in a not shown memory, see fig.1 and ¶.29).”

Regarding claim 6, Lee discloses, “wherein the downloading further comprises retrieving the compatible protocol code from a portion of the memory (retrieve to configure, see ¶.29).”

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Regarding claim 7, Lee discloses, “further comprising associating the determined protocol code with the portion of the memory (store obtained information, see ¶.35).”

Regarding claim 10, Lee discloses, “wherein the protocol is one of an 802.11a, 802.11b, 802.11g and Bluetooth protocol (¶.11).”

**Regarding claim 11**, it is a computer-readable claim corresponding to the method claim 1, except the limitation of “computer-readable medium (inherent to have a medium to operate the flowchart in fig.1 and other algorithms, see ¶.7)” and is therefore rejected for the similar reasons set forth in the rejection of claim 1.

Regarding claims 12-17 and 20, they are claims corresponding to claims 2-7 & 10, respectively and are therefore rejected for the similar reasons set forth in the rejection of the claims.

**Regarding claim 21**, it is a system claim corresponding to the method claim 1 and is therefore rejected for the similar reasons set forth in the rejection of the claim 1.

Regarding claims 22-27, they are claims corresponding to claims 2-7, respectively and are therefore rejected for the similar reasons set forth in the rejection of the claims.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8, 9, 18, 19, and 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee and Schmidt (US 7058040, "Schmidt").

Regarding claim 8, Lee lacks what Schmidt discloses, "further comprising tuning at least one transceiver device to at least one of a receive and a transmit frequency associated with the communication signal (col.4, ln.4-16)." Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to apply a transceiver taught by Schmidt into the system of Lee in order to tune a transmit frequency for better/optimum performance.

Regarding claim 9, Lee lacks what Schmidt discloses, "wherein the processor is a digital signal processor (DSP) (153 fig.2A and col.5, ln.51-56)." Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to apply a DSP taught by Schmidt into the system of Lee in order to have embedded functions in the DSP since DSP is a special-purpose CPU used for digital signal processing applications to provide ultra-fast instruction sequences.

Regarding claims 18, 19, and 28-30, they are claims corresponding to claims 8, 9, 8-10, respectively and are therefore rejected for the similar reasons set forth in the rejection of the claims.

Regarding claim 31, Lee discloses, "wherein the at least one integrated transceiver utilizes a single protocol stack for processing the communication signal for the 802.11a, 802.11b, and 802.11g protocols (see ¶.11), but lacks what Schmidt discloses, "Bluetooth protocol (col.1, ln.31)." Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include Bluetooth protocol taught by Schmidt into the stack of Lee in order to provide more options clients looking Bluetooth technology which is available at the time of invention.

#### ***Contact Information***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung Park whose telephone number is 571-272-8565. The examiner can normally be reached on Mon-Fri during 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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/Jung Park/

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